IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.1521 OF 2003

ALONG WITH

CRIMINAL WRIT PETITION NO.1554 OF 2003

Mr.Faki Abdul Sattar Faki Mulla ...Petitioner

Versus

Mr.Amir Hadi Mohamad Somji & Anr. ...Respondents

ALONG WITH

CRIMINAL WRIT PETITION NO.1622 OF 2003

Mr.Atik Jalal Faki Mulla ...Petitioner

Versus

Mr.Amir Hadi Mohamad Somji & Anr. ...Respondents

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Ms.Nayana Thatte for Petitioner.

Mr.D.R.More, A.P.P. for Respondent No.2.

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CORAM: A.M.KHANWILKAR, J.

FEBRUARY 1, 2005.

P.C.

1. Heard Counsel for the Petitioner. The

argument that blank cheque was handed over to the Complainant, which has been misused, is a matter for trial. That argument cannot be the basis for discharge at this stage. No fault can be found with the Court below in rejecting the Application for discharge as filed. Dismissed.

2. The Trial Court shall decide the matter on its own merits in accordance with law.

A.M.KHANWILKAR, J.